

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

ROBERT D. MAWHINEY,

)

8:09CV421

)

Plaintiff,

)

)

v.

)

**MEMORANDUM  
AND ORDER**

)

SKYLARK MEATS, LLC,

)

)

Defendant.

)

This matter is before the court on its own motion. On March 3, 2010, Defendant filed a Suggestion of Death, stating that Plaintiff “died on or about January 24, 2010.” (Filing No. [12](#).) The court then entered a Memorandum and Order permitting Plaintiff’s survivors until June 2, 2010, “to submit an appropriate motion for substitution.” (Filing No. [13](#).) The court warned that “[i]f no motion is filed, this matter will be dismissed.” (*Id.*) No motion for substitution has been filed.

IT IS THEREFORE ORDERED that:

1. This matter is dismissed without prejudice.
2. A separate judgment will be entered in accordance with this Memorandum and Order.

June 7, 2010.

BY THE COURT:

*Richard G. Kopf*

United States District Judge